

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5152 of 1998

to

SPECIAL CIVIL APPLICATION No 5154 & 5156 of 1998

WITH

CIVIL APPLICATION NO 9602 OF 1998

TO

CIVIL APPLICATION NO 9604 OF 1998

AND

CIVIL APPLICATION NO 9615 OF 1998

AND

SPECIAL CIVIL APPLICATION NO.6503 OF 1998

WITH

CIVIL APPLICATION NO 9613 OF 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KHALPABHAI KARMABHAI VASAVA

Versus

STATE OF GUJARAT

Appearance:

MR JOY MATHEW for Petitioner

MR HM BHAGAT for Respondent No. 1

MR KT DAVE AGP for Respondent No. 2, 3, 4

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 02/11/98

ORAL JUDGEMENT

Rule. Service of rule has been waived by Mr. K.T.Dave, learned Assistant Government Pleader appearing for the State and the concerned authorities. These matters were heard and were kept for orders today. Accordingly, it has been submitted by the learned advocate Mr. Joy Mathew appearing for the petitioners that the petitioners were allotted 22 acres and 18 gunthas of the Government waste land located in/at survey no. 61 of Mojali village by the Deputy Collector vide order dated 5th November, 1965. It has been submitted that at the time of such allotment, the concerned authority had charged price of the standing trees from the petitioners. It is finally submitted that the order dated 5th November, 1965 is still in existence.

2. As the standing trees are required to be cut, the petitioners made applications to the concerned revenue authority who after considering all the records including the opinion given by respondent No. 2 (Deputy Forest Officer), permitted the applicants to cut the trees. Accordingly, the petitioners had cut the trees in the month of June, 1997. In order to carry the wood out of the cut off trees, the petitioners required transit permit from the Forest Department. Therefore, on 19th November, 1997, the applicants made applications to respondent NO. 3 (Range Forest Officer) requesting for issuing transit permit. It is the submission made on behalf of the petitioners that till date, no decision has been taken on these applications with the result that the wood is lying idle and likely to be wasted bearing in mind the fact that it is unseasoned (Vejaru) wood.

3. Learned Assistant Government Pleader Mr. Dave submitted that bearing in mind the submissions made on behalf the applicants, the only direction that can be given is to consider the applications dated 19th November, 1997 preferred by the petitioners.

4. Under the aforesaid circumstances, following order is passed:

Respondent No. 3 (Range Forest Officer) is hereby directed to consider the applications dated 19th November, 1997 preferred by the petitioners and take appropriate decision in accordance with law by passing a speaking order within four weeks from the date of receipt of writ of these directions.

The petitioners will also be at liberty to make fresh applications to respondent No. 2 (Deputy Forest Officer) in the matter within two weeks from today and if such applications are made by the petitioners, same shall be considered and decided by the respondent No. 2 in accordance with law by passing appropriate speaking order within two weeks thereafter. All the civil applications will stand disposed of in the aforesaid terms. Since the civil applications are disposed of in aforesaid terms, main special civil applications will not survive and are, therefore, sought to be withdrawn at this stage. Permission to withdraw is granted. Accordingly, rule is made absolute in aforesaid terms in the civil applications and the rule is discharged in the main special civil applications with no order as to cost.

2.11.1998. (M.S.Parikh,J.)

Vyas